

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

YIN SHENG,

Plaintiff,

v.

JOHN DOE, AND 509.COM,

Defendants.

Case No. 1:21-cv-00816-TSE-JFA

**PLAINTIFF'S MOTION FOR  
SERVICE BY PUBLICATION**

**IN RE: 509. COM.**

Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb), Plaintiff Yin Sheng ("Plaintiff") move this Court for an order directing Plaintiff to publish notice of this Action in the The Richmond Times-Dispatch newspaper. In support of this motion, Plaintiff shows as follows:

**ARGUMENTS AND AUTHORITIES**

On July 9, 2021, Plaintiff filed this complaint in this matter *in rem*, seeking return of the subject domain names, as well as seeking relief against Defendant John Doe ("JD"). The Complaint alleges, *inter alia*, claims under the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d) (the "Act").

The first of the subject domain names, 509.com, was used in commerce in conjunction with online services by Plaintiff as early as April 2018. Plaintiff owned and used the Domain Name in commerce until the Domain Name was unlawfully taken without consent into Defendant JD's control on or around March 2, 2021. The Defendant, John Doe, is, upon information and belief, a citizen of, and located in China and is not subject to *in personam* jurisdiction anywhere in the United States.

The Act authorizes the Plaintiff to proceed *in rem* against the domain names. 15 U.S.C. §

1125(d)(2)(A)(ii). The Act provides that in an *in rem* action such as the one before the Court, service of process shall be made by:

(aa) sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and

(bb) publishing notice of the action as the court may direct promptly after filing the action.

15 U.S.C. § 1125(d)(2)(A) and (B).

The notice of the filing of this complaint and application for injunctive relief is being sent to Defendant JD at mymail39047@gmail.com—Defendant JD’s registrant email address at GoDaddy.com for the registrant account which Defendant Domain Name 509.com was illegally transferred into. *See* Declaration of Timothy T. Wang attached hereto as Exhibit A, at ¶ 4. Additionally, notice is being sent to the current WHOIS address on the subject Domain Name which is Domains By Proxy, LLC, [509.com@domainsbyproxy.com](mailto:509.com@domainsbyproxy.com), 2155 E Warner Rd, Tempe, AZ 85284. *Id. See also* WHOIS address information attached hereto as Exhibit B. Thus, all that remains to complete service of process is the publication of notice as may be directed by the Court. The Plaintiff requests an order that notice shall be given by a single publication in The Richmond Times-Dispatch or any other newspaper the Court so chooses.

### **CONCLUSION**

For the reasons set forth above, the Plaintiff requests that this motion be granted and that the Court enter the proposed Order submitted herewith.

DATED September 2, 2021.

Respectfully submitted,

By: /s/ Steven War  
Steven War (VSB # 45048)

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